

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

ALFRED RAY CALCOTE

VS.

CIVIL ACTION NO. 2:10cv247-KS-MTP

CHRISTOPHER EPPS, ET AL

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard on the Report and Recommendation of the United States Magistrate Judge entered herein on November 14, 2011, after referral of hearing by this Court, no objections having been filed as to the Report and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation be, and the same hereby is, adopted as the finding of this Court, and the Complaint is hereby dismissed with prejudice. This dismissal shall be counted as a "strike" for purposes of 28 U.S.C. § 1915(g) bar to filing *in forma pauperis* ("IFP"). Plaintiff is cautioned that if he accumulates three strikes that he will not be able to proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is "under imminent danger of serious physical injury" 28 U.S.C. § 1915(g).

A separate judgment will be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 2nd day of December, 2011.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE